

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Uruguay is an associated country of ILO-IPEC.<sup>4525</sup> In December 2000, the government created the National Committee for the Eradication of Child Labor (CETI).<sup>4526</sup> CETI has developed a National Action Plan for 2003–2005 to combat child labor,<sup>4527</sup> and, as part of this plan, the government has held seminars on the problem, developed legal reform proposals, and tailored existing adult skills training programs towards parents of working children.<sup>4528</sup> The Government of Uruguay has cooperated with ILO-IPEC, the other MERCOSUR governments, and the Government of Chile to develop a 2002–2004 regional plan to combat child labor.<sup>4529</sup>

The National Institute for Minors, which oversees government programs for children, heads the Interinstitutional Commission for the Prevention and Protection of Children against Sexual Exploitation. The Commission conducts research on the phenomenon and operates a toll-free phone number to connect victims with support services.<sup>4530</sup> It also developed a national plan against commercial sexual exploitation of children that includes education programs.<sup>4531</sup>

The Institute collaborates with an NGO partner to provide parents of working children with monthly payments in exchange for regular class attendance by their children.<sup>4532</sup> INAME also works with at-risk youth such as those living on the street and provides adolescents with work training.<sup>4533</sup> The government collaborates with NGOs to fund the Child and Family Service Center Plan,<sup>4534</sup> which provides after school recreational programs for children and special services for street children.<sup>4535</sup>

<sup>4525</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 4, 2003]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm). See also ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Regional Office for Latin America and the Caribbean, Lima, no date, 13; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

<sup>4526</sup> ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 13. The committee is composed of representatives from government agencies and NGOs such as the Ministry of Labor and Social Security, the National Institute for Minors, labor unions, the Chamber of Commerce, the National Association of Nongovernmental Organizations, and UNICEF. Its functions include proposing policies and coordinating governmental and nongovernmental efforts to combat child labor in Uruguay. See Ricardo Nario, facsimile communication to USDOL official, September 6, 2002.

<sup>4527</sup> The goals of the plan are to combat child labor through awareness raising, stronger legal protections, reintegration and retention of working children in school, and the development alternative income generation for families of working children. See ILO-IPEC, *Ficha País: Uruguay*, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichauruguay.doc>.

<sup>4528</sup> Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.

<sup>4529</sup> Cristina Borrajo, “Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras,” *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. See also ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 5.

<sup>4530</sup> Other governmental agencies and UNICEF are also members of the commission. See Martin Marzano Luissi, *La Experiencia Uruguaya en Explotación Sexual de Niños, Niñas y Adolescentes*, Instituto Nacional del Menor, no date; available from [http://www.iin.oea.org/M\\_Marzano\\_Uruguay.PDF](http://www.iin.oea.org/M_Marzano_Uruguay.PDF). For information on INAME’s functions, see U.S. Department of State, *Country Reports on Human Rights Practices-2002: Uruguay*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18347pf.htm>.

<sup>4531</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

<sup>4532</sup> *Ibid.*, Section 6d. See also U.S. Embassy –Montevideo, *unclassified telegram no. 1298*, August 14, 2003. The payments approximate the amount of money that a child would earn working on the street. See U.S. Embassy– Montevideo, *unclassified telegram no. 1824*, September 2000. INAME receives only limited funding for projects. See U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

<sup>4533</sup> National Institute for Minors, *Centro de Formación y Estudios*, INAME, [online] [cited July 1, 2003]; available from <http://www.iname.gub.uy/TAREA.htm>.

<sup>4534</sup> Carmen Midaglia, *Alternativas de protección a la infancia carenciada: La peculiar convivencia de lo público y privado en el Uruguay*, Colección Becas de Investigación CLACSO-ASDI, Buenos Aires, December 2000, 12; available from <http://www.clacso.edu.ar/~libros/midaglia/introduccion.pdf>.

<sup>4535</sup> UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, UNICEF [online] 1999 [cited July 1, 2003], Area 7 del Plan de Accion; available from [http://www.unicef.org/lac/espanol/informe\\_regional/uruguay/acciones.htm](http://www.unicef.org/lac/espanol/informe_regional/uruguay/acciones.htm).

The National Administration of Public Education<sup>4536</sup> has developed a project to train teachers on children's rights and prepare them to discuss such issues with students, parents, and members of the community.<sup>4537</sup> It has also incorporated the issue of child labor into teacher training curriculum as part of the country's National Action Plan to combat child labor.<sup>4538</sup> In April 2002, the World Bank provided a USD 43.4 million loan to expand government efforts to improve the coverage and quality of preschool and primary education.<sup>4539</sup> In November 2002, Uruguay received financing from the IDB for a program to assist at-risk children and families that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.<sup>4540</sup> Child labor projects under this program are expected to begin in 2004.<sup>4541</sup>

## Incidence and Nature of Child Labor

In 2001, the ILO estimated that less than one percent of children ages 10 to 14 years were working in Uruguay.<sup>4542</sup> The recent economic crisis in Uruguay, however, has reportedly led to an increase in the incidence of child labor.<sup>4543</sup> Children work in agriculture,<sup>4544</sup> ranching, and hunting.<sup>4545</sup> Children also work in street vending,<sup>4546</sup> services, industry, artisanry, and domestic service in third-party households.<sup>4547</sup> More children work in the interior of the country than in Montevideo, the capital city.<sup>4548</sup> Children engage in prostitution in Uruguay. The state government of Maldonado stated in 2002 that sex tourism and child prostitution had increased in a number of locations in the state.<sup>4549</sup> There have been reports that Uruguayan girls may have been trafficked abroad to Europe for prostitution.<sup>4550</sup>

<sup>4536</sup> ANEP is an autonomous government agency responsible for the oversight of public education from the preschool to the secondary level. See IDB, *Uruguay: Social Protection and Sustainability*, August 7, 2002, 7; available from <http://www.iadb.org/exr/doc98/apr/ur1417e.pdf>.

<sup>4537</sup> National Administration of Public Education, *Derechos del niño: Derechos deberes y garantías, una propuesta pedagógica hacia un indicador de logro actitudinal, segunda parte del proyecto*, hard copy on file; available from <http://www.anep.edu.uy/primaria/InformacionInstitucional/ProyectosCEP/Derechos1.htm>.

<sup>4538</sup> María del Rosario Castro, written communication in response to USDOL request for information.

<sup>4539</sup> World Bank, *Uruguay: World Bank Approves \$43.4 Million for Pre-school and Primary Education*, (2002/294/LAC), [online] April 25, 2002 [cited July 1, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070937>.

<sup>4540</sup> IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from <http://www.iadb.org/exr/doc98/apr/ur1434e.pdf>.

<sup>4541</sup> María del Rosario Castro, written communication in response to USDOL request for information.

<sup>4542</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

<sup>4543</sup> U.S. Embassy -Montevideo, *unclassified telegram no. 1298*. The Uruguayan economy was negatively affected by the economic crisis in Argentina that began in December 2001. See World Bank, *World Bank Approves \$300 Million To Help Uruguay Cope With External Shocks, Strengthen Economic Reforms*, Washington, DC, August 8, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20061319~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html#>.

<sup>4544</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6d. See also ILO-IPEC, "Uruguay" in *Trabajo infantil en los países del MERCOSUR: Argentina, Brasil, Chile, Paraguay, Uruguay*, Regional Office for Latin America and the Caribbean, Lima, 1998, 99.

<sup>4545</sup> ILO-IPEC, *Trabajo Infantil en los países del MERCOSUR*, 99.

<sup>4546</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, 6d.

<sup>4547</sup> ILO-IPEC, *Trabajo Infantil en los países del MERCOSUR*, 99.

<sup>4548</sup> Ibid.

<sup>4549</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5. See also ECPAT International, *Uruguay*, in ECPAT International, [database online] 2002 [cited June 18, 2003]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). In the capital of Montevideo, there have been reports that children are involved in prostitution rings and work as prostitutes for massage parlors. See U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

<sup>4550</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6f. See also ECPAT International, *Uruguay*.

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The Constitution of Uruguay mandates free and compulsory primary and intermediate education<sup>4551</sup> for a total of 9 years.<sup>4552</sup> In 2000, the gross primary enrollment rate was 109.4 percent, and the net primary enrollment rate was 90.4 percent.<sup>4553</sup> According to a government study in 1999, the attendance rate in urban areas was 100 percent for 5 to 11 year olds and 69.7 percent for 12 to 14 year olds.<sup>4554</sup> In 1999, 90.8 percent of children enrolled in primary school reached grade five.<sup>4555</sup>

## Child Labor Laws and Enforcement

The Children and Adolescents' Code sets the minimum age for employment at 14 years.<sup>4556</sup> The Code allows children ages 12 to 14 to work in family enterprises if compulsory schooling has been completed or to work in agriculture and ranching when school is not in session.<sup>4557</sup> Children 12 to 14 may also work when necessary for family survival.<sup>4558</sup> Minors under 18 require government permission to work, and are prohibited from engaging in dangerous, fatiguing or night work.<sup>4559</sup> Article 294 of the Penal Code prohibits procuring a person for prostitution.<sup>4560</sup> The Penal Code prohibits pornography, but does not specifically address child pornography.<sup>4561</sup> There are no laws that specifically address trafficking in persons.<sup>4562</sup>

The Adolescent Labor Division of the National Institute for Minors bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.<sup>4563</sup> The Institute works with the Ministry of Labor to investigate complaints of child labor, and the Ministry of the Interior to prosecute cases.<sup>4564</sup> However, child work in the informal and agrarian sectors tends to be subject to less rigorous regu-

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<sup>4551</sup> Right to Education, *Constitutional Guarantees: Uruguay*, [database online] [cited July 1, 2003]; available from <http://www.right-to-education.org/content/consuarant/uruguay.html>.

<sup>4552</sup> U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

<sup>4553</sup> World Bank, *World Development Indicators 2003*.

<sup>4554</sup> The study was conducted with support from UNICEF. See María del Rosario Castro, written communication in response to USDOL request for information.

<sup>4555</sup> World Bank, *World Development Indicators 2003*.

<sup>4556</sup> *Ley núm. 9342, por la que se dicta el Código del niño*; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

<sup>4557</sup> Articles 223-224 as cited in Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003, 12; available from [http://www.cetinf.org/plan\\_accion.pdf](http://www.cetinf.org/plan_accion.pdf). In addition, children in this age group must receive permission from the government in order to work. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

<sup>4558</sup> Article 225 as cited in Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil*, 12.

<sup>4559</sup> Articles 226-227, 231 as cited in *Ibid*. All working children under the age of 18 must obtain a work permit issued by the National Minors Institute and must provide it to their employers. During the first 9 months of 2000, INAME issued approximately 1,445 work permits to children between the ages of 14 and 18, with three-fourths of these going to boys. See U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

<sup>4560</sup> If the victim is younger than 14 years, the punishment is 4 years of imprisonment. See UNDP, *Uruguay: Legislación sobre violencia*, [online] 2002 [cited July 29, 2003]; available from <http://www.undp.org/rblac/gender/campaign-spanish/uruguay.htm>.

<sup>4561</sup> Article 278 as cited in Interpol, *Legislation of Interpol member states on sexual offences against children: Uruguay*, [online] 2003 [cited July 1, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaUruguay.asp>.

<sup>4562</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6f.

<sup>4563</sup> UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, Area 7 del Plan de Acción. See also U.S. Embassy - Montevideo, *unclassified telegram no. 1298*.

<sup>4564</sup> There have been claims that the division of responsibility between the Ministry of Labor and INAME vis a vis child labor is not always clear. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

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lation.<sup>4565</sup> In 2002, the Institute conducted 2,300 inspections, 200 of which resulted in fines for child labor violations.<sup>4566</sup>

The Government of Uruguay ratified ILO Convention 138 on June 2, 1977, and ILO Convention 182 on August 3, 2001.<sup>4567</sup>

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<sup>4565</sup> U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6d.

<sup>4566</sup> Both INAME and Ministry of Labor staff are trained in child labor issues. INAME has a staff of eight inspectors to conduct these inspections. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

<sup>4567</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 1, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.